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## United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

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### NOTICE OF JUDGMENT UNDER THE REGULATIONS OF THE NAVAL STORES ACT

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[Approved by the Secretary of Agriculture, Washington, D. C., September 4, 1931]

**4. Sale of misgraded rosin. U. S. v. Thomas Sealy (Inc.). Plea of guilty. Fine, \$200. (N. S. No. 5. N. S. I. Nos. 08282, 029162.)**

Investigation by this department of the transactions here involved showed that the defendant company had delivered for shipment quantities of FF grade wood rosin, in purported fulfillment of contracts for the sale of E grade gum rosin and F grade gum rosin, respectively.

On May 21, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Thomas Sealy (Inc.), New York, N. Y., charging willful violations of the naval stores act of March 3, 1923.

The information alleged that the defendant company had sold, and had delivered to the steamship for shipment to St. Johns, New Foundland, a quantity of FF grade wood rosin, in purported fulfillment of a contract for the sale of E grade gum rosin, and in purported conformity with the invoice dated February 5, 1930; and had sold, and had delivered to the steamship for shipment to Panama, Canal Zone, a quantity of FF grade wood rosin, in purported fulfillment of a contract for the sale of F grade gum rosin, and in purported conformity with the invoice dated February 14, 1930; which said sales were made by reference to United States standards and were injurious to commerce in naval stores, in that the article was represented in one transaction to be E grade gum rosin, and in the other to be F grade gum rosin, whereas it was an article of a different kind and grade, to wit, FF grade wood rosin.

It was further alleged in the information that the defendant company had used in commerce a deceitful means and practice in the sale of naval stores, in substituting and delivering for shipment FF grade wood rosin for E grade gum rosin and F grade gum rosin, respectively, in purported fulfillment of contracts for the sale of E grade and F grade gum rosin, and in purported conformity with the invoices.

On June 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

